

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

MARIA KOUTSOUKOS,

Plaintiff,

v.

ADECCO USA, INC., et al.,

Defendants,

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Hon. Janet T. Neff

Case No. 1:15-cv-00816

REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff's Motion to Set Aside Order of Dismissal (Dkt. 7) and Plaintiff's Motion for Leave to File Affidavits of Proof of Service (Dkt. 8), which were referred to the undersigned by the Honorable Janet T. Neff for report and recommendation under 28 U.S.C. §636(b)(1)(B).

On December 9, 2015, the court issued a corrected notice of impending dismissal for failure to serve the summonses and complaints (Dkt. 5). According to that notice, a verified petition regarding service of process or proof of service on all defendants was to be submitted by December 18, 2015, or the case would be dismissed. Nothing was filed by plaintiff, and the Hon. Janet T. Neff entered an order of dismissal on December 22, 2015 (Dkt. 6). Plaintiff now moves to set aside that order of dismissal and for leave to file an affidavit regarding service on the defendants. It is clear from the proposed documents that defendants were served. It is also clear that plaintiff failed to follow specific direction in a court document and failed to comply with the Federal Rules of Civil Procedure and this court's local rules.

On balance, following review of the motions and defendant Adecco USA, Inc's response (Dkt. 9), the undersigned finds that plaintiff's motions should be granted. The undersigned recommends that the order of dismissal (Dkt. 6) be set aside, that the affidavit regarding service (Dkt. 8) be accepted as filed, and that defendants be considered served as of the date of acceptance of this report and recommendation.

It is further recommended that plaintiff be strongly warned that additional failure to comply with the court's orders and rules may be grounds for dismissal of her case with prejudice.

Date: February 18, 2016

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
U.S. Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).